

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALONZO ROBERTS,

Plaintiff,

No. 06-CV-12724

v.

Hon. John Corbett O'Meara

CITY OF DETROIT, *et al.*,

Defendants.

_____ /

ORDER OF DISMISSAL AS TO COUNTS II, III, IV, V, AND VI

On June 21, 2006, Plaintiff filed his complaint, which sets forth six counts: Count I, violations of Fourth, Fifth, and Fourteenth Amendment rights brought under 42 U.S.C. § 1983; Count II, assault and battery; Count III, false arrest and imprisonment; Count IV, malicious prosecution; Count V, gross negligence; and Count VI, intentional infliction of emotional distress.

Count I of Plaintiff's complaint is cognizable in this court pursuant to 28 U.S.C. § 1331. Counts II, III, IV, V, and VI, however, arise under state law. Pursuant to 28 U.S.C. § 1367(c), a district court may decline to exercise supplemental jurisdiction over state law claims raised in federal question cases. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Because Plaintiff does not assert diversity jurisdiction under 28 U.S.C. § 1332, this court declines to exercise supplemental jurisdiction over Counts II, III, IV, V, and VI.

Accordingly, it is hereby **ORDERED** that Counts II, III, IV, V, and VI of Plaintiff's Complaint are **DISMISSED**.

Date: August 01, 2006

s/John Corbett O'Meara
United States District Judge

Certificate of Service

I hereby certify that a copy of this Order was served upon the attorneys of record by electronic means on August 01, 2006.

s/William J. Barkholz
Courtroom Deputy Clerk